THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :25603 of 2007

DATED:03-12-2007

BETWEEN:
Smt.Chintanaboina Subbamma.

..... PETITIONER

AND

The Tahsildar,
Vinjamur mandal,
Nellore District & another.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the order in Rc.No.B.284/2007, dated 10-09-2007, passed by the 1st respondent in cancelling the assignment patta granted in favour of the petitioner in F.Dis.No.93/DAR/1398, dated 30-04-1989, and also the action of the 2nd respondent in not granting stay of the order in Rc.No.B/284/2007, dated 10-09-2007, pending appeal, as illegal, and arbitrary.

3. It is the case of the petitioner that she is the assignee of an extent of Ac.4.23 cents in Sy.Nos.83/1 and 83/2 situated at Ravipadu village, Vinjamur mandal, Nellore District vide proceedings F.Dis.No.93/DAR/1398, dated
30-04-1989, and that she being the original assignee is in continuous possession and enjoyment of the same. Whileso, a notice in Form-1 and 2 has been issued to the petitioner-original assignee as well as the alleged alienee/transferor of the said assigned land, namely D.Venkateswarlu. It is stated that both of them filed explanation stating that the original assignee did not alienate and the so-called aliegnee did not purchase the said land, but the explanation of the alienee has been considered and rejected holding that the alienee-D.Venkateswarlu was alone

found in possession of the same in contravention of sub-Sections 1 and 2 of Section 3 of the Act and the explanation of the assignee that she never alienated the said property to anybody is under active consideration and accordingly resumption orders have been passed under Section 4 (1) (b) of the Act.

4. It is further stated that after verifying the eligibility of the assignee as on date further action will be taken for restoration of the land in favour of the assignee. Therefore, further enquiry with regard to the restoration of possession in favour of the assignee is pending. However, if any party is aggrieved by the same, appeal is provided before the Revenue Divisional Officer within ninety days. It is stated that the petitioner filed an appeal before the Revenue Divisional Officer on 23-11-2006 along with application for grant of stay.

5. Having regard to the facts and circumstances, Writ Petition is disposed of directing the appellate authority/2nd respondent-Revenue Divisional Officer, Kavali to consider and dispose of the appeal and pending disposal of the appeal; or pending enquiry before the 1st respondent-Tahsildar, Vinjamur mandal with regard to the feasibility for the restoration of the resumed land in favour of the original assignee,
status quo, obtaining as on today, with regard to possession of the land shall be maintained. There shall be no order as to costs.

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V.ESWARAIAH,J

03rd December, 2007.
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